



Winston H. Hickox
Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman

1001 I Street • P.O. Box 2815 • Sacramento, California 95812 • www.arb.ca.gov



Gray Davis
Governor

February 25, 2003

Workshop to Discuss Amendments to the Ozone Transport Regulations

Dear Sir/Madam:

The staff of the California Air Resources Board (ARB/Board) invites you to participate in a public workshop to discuss and provide input on staff's recommended amendments to the ARB's transport regulations. The public workshop will be held at the time and location shown below:

DATE: March 13, 2003

TIME: 1:30 p.m. – 4:00 p.m.

LOCATION: Conference Room North and South
First Floor
Monitoring and Laboratory Division
1927 13th Street
Sacramento, California 95814

Additional information about the workshop location and parking is attached for your convenience.

Transport is the movement of air pollutants from one air basin to another. The California Clean Air Act (CCAA) requires the Board to identify transport couples, to assess the relative contribution of upwind emissions on downwind ozone concentrations to the extent permitted by available data, and to establish mitigation requirements. A transport couple consists of an "upwind area" or the area of the origin of pollutants, and the "downwind" receptor area. ARB established mitigation requirements in 1990, which have remained unchanged since 1993. These mitigation requirements are applicable to districts located in upwind areas.

In April 2001, the Board directed the staff to explore strategies aimed at strengthening the existing mitigation requirements. Two concepts discussed at that time included provisions related to "no net increase" permitting requirements and all feasible measures. In June 2001, we conducted a public workshop to discuss these concepts

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

and others, and in July 2001, we reported back to the Board. At that meeting, the Board directed us to develop proposed amendments to the mitigation regulation. On January 28, 2003, we held a second public workshop to further discuss the concepts under consideration and to solicit public input before the development of any formal regulatory proposals.

The purpose of this third workshop is to discuss the proposed language changes to the ozone transport mitigation regulation and to provide an opportunity for public input and comment. We are scheduled to take proposed amendments to our Board in May 2003.

The following discussion outlines the two concepts that we propose to add to the transport mitigation regulation.

1. No Net Increase Permitting Requirements

The first concept is related to new source review (NSR) permitting programs for stationary sources. The goal of NSR programs is to maintain air quality progress while accommodating economic growth and expansion. This is achieved by offsetting growth in emission increases from new and expanding stationary sources and is known as the concept of “no net increase”.

In several cases, upwind areas have less stringent permitting requirements under the California Clean Air Act than their downwind neighbors. Currently, a district’s “no net increase” threshold is specified by the California Clean Air Act, based on its nonattainment classification for the State ozone standard. Areas classified as moderate have a threshold of 25 tons per year, areas classified as serious have a threshold of 15 tons per year, and areas classified as severe have a threshold of 10 tons per year. Areas classified as extreme, which only includes the South Coast Air Basin, have no threshold; that is, all sources are subject to the “not net increase” requirement. The San Joaquin Valley Unified Air Pollution Control District has a more stringent threshold than its downwind neighbors and two of its upwind neighbors.

We are proposing that “no net increase” thresholds for upwind districts be as stringent as those that exist for their downwind districts. Requiring equal “no net increase” permitting thresholds would help ensure that both upwind and downwind neighbors are taking comparable actions to mitigate emissions from new and expanding stationary sources.

There are several districts that would be affected by this proposal. We are recommending that the Bay Area Air Quality Management District (AQMD) and the districts located in the Broader Sacramento Area be required to amend their "no net increase" thresholds from 15 tons per year to 10 tons per year. This will result in these districts achieving equivalent "no net increase" threshold levels as their downwind neighbor, the San Joaquin Valley Unified Air Pollution Control District.

We are not proposing that areas upwind of the South Coast be included because of South Coast's classification of extreme. As noted, there is no threshold for an extreme area due to the severity of its air quality problem. The unique status of this downwind area, combined with the localized nature of the transport impacts from the upwind areas of Santa Barbara and Ventura, make the applicability of this concept inappropriate in this case.

We are not proposing changes to the thresholds for applying best available control technology (BACT), which are also part of the NSR programs.

2. All Feasible Measures

The second concept is related to all feasible measures. We are proposing to delete outdated language concerning best available retrofit control technology requirements (BARCT) and to add requirements to ensure that upwind districts are implementing all feasible measures as expeditiously as possible.

The current mitigation regulation contains requirements for the application of BARCT to permitted stationary sources that represent 75% of the 1987 actual reactive hydrocarbon and nitrogen oxides emissions inventory for permitted stationary sources by 1994. The purpose of this requirement was to accelerate the application of BARCT on permitted stationary sources. This requirement has been fully implemented for a number of years, and is now obsolete. Therefore, we propose deleting this language from the regulation. We do not propose to change the broader existing requirement for BARCT on all existing stationary sources.

We also are proposing to add language requiring the implementation of all feasible measures as expeditiously as possible. Under the California Clean Air Act, districts are including every feasible measure in the triennial update to each district's attainment plan for the State ozone standard. We are proposing to add

Sir/Madam
February 25, 2003
Page 4

an annual review process in which both the districts and ARB review the implementation of all feasible measures between three-year planning cycles. The goal is to provide for more frequent assessment of all feasible measures and to establish a framework by which districts can update their attainment plans if additional measures are warranted.

To implement this concept, we are proposing to add a definition of "all feasible measures" and "ozone precursors". We also are proposing to allow the same alternative compliance approach for all feasible measures that is now allowed relative to the BARCT requirement.

At the workshop, we also will discuss language to be included in the staff report that addresses broader issues related to transport mitigation that are appropriate to consider in the context of transport, but are not appropriate for a regulatory amendment. This is in response to comments made at the January 28, 2003 workshop that we include information on the authority of air districts and other local agencies to implement transportation and land use strategies to reduce transported emissions. This discussion also will include examples of initiatives now being undertaken by several districts.

We will post the draft regulatory language on the Internet no later than March 5, 2003, at the following Internet address:

<http://www.arb.ca.gov/aqd/transport/mitigation/tmlang.pdf>.

If you have special accommodation or language needs, please contact the meeting coordinator, Ms. Merrin Bueto, at (916) 322-6013 or mbueto@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Those who are interested in receiving e-mail notifications when information related to transport regulations is posted on ARB's website can register for the transport list serve at: <http://www.arb.ca.gov/listserv/transport/transport.htm>.

Sir/Madam
February 25, 2003
Page 5

If you have any questions about the public workshop, please contact Ms. Gayle Sweigert at (916) 322-6923, or via e-mail at gsweiger@arb.ca.gov. Alternatively, you may contact Ms. Merrin Bueto at (916) 322-6013, or via e-mail at mbueto@arb.ca.gov.

Sincerely,

/s/
Robert D. Fletcher, Chief
Planning and Technical Support Division

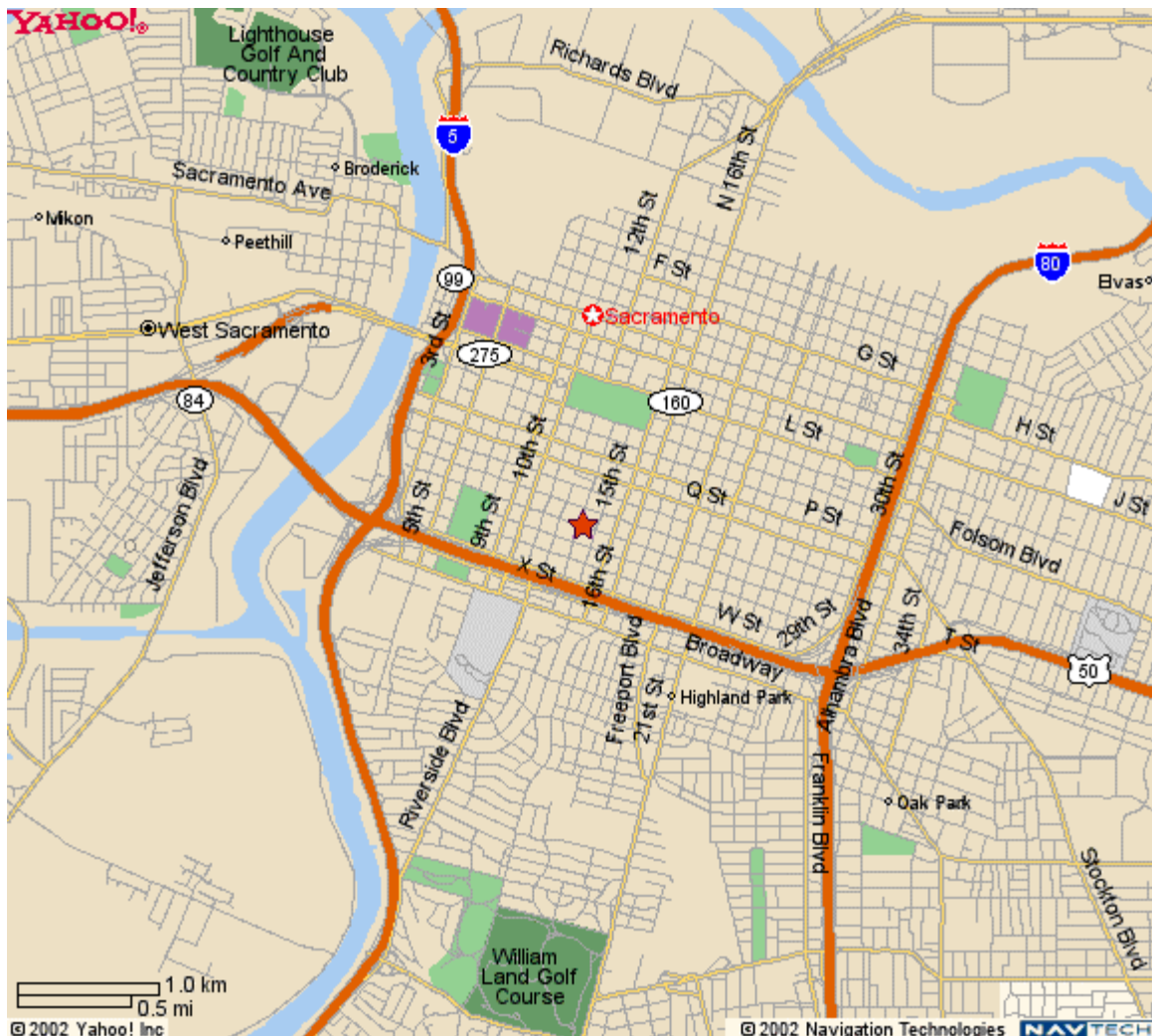
Attachment

cc: Ms. Gayle Sweigert, Manager
Air Quality Analysis Section
Planning and Technical Support Division

Ms. Merrin Bueto
Air Pollution Specialist
Air Quality Analysis Section
Planning and Technical Support Division

ATTACHMENT

Monitoring and Laboratory Division
1927 13th Street
Sacramento, CA 95812



The Monitoring and Laboratory Division of the Air Resources Board is located at 13th and T Streets. Please enter the building on the east side (13th Street entrance). The conference room is located to the right of the entrance. Street parking is limited at this facility. There is a public parking structure located several blocks away at 15th and R Streets.